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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/697,843 | 10/30/2003 | Uwe Kraft | 0065-011 | 9290 |

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EXAMINER

NGUYEN, TRINH T

ART UNIT PAPER NUMBER

3644

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,843

Applicant(s)

KRAFT ET AL.

Examiner

Trinh T Nguyen

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Election dated 4/28/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13 and 17-31 is/are rejected.
- 7) ☒ Claim(s) 4 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/19/04 & 10/30/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restriction

1. Applicant's election (filed on 4/28/04) without traverse of Species III is acknowledged.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "90" has been used to designate both a traveler part and the guide wheels. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-8, 13, 17-26, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hesnault (US 4,138,966) (Please see a more detail Figure 3 of Hesnault attached with the Office Action for further explanation for claim 22).

For claim 1, Hesnault discloses a Free-Reign Walking Machine for the training of animals along a defined training course, the machine comprising: a supporting structure having at least one fixed rail (6, 6a, 6b, 1, 1a, 1b), the being arranged along the training course, at least one traveler (14, 13, 12, 11, 5) moveably arranged on said rail, a drive system (16, 7, 17, 18), and a number of Moving-Guide-components (3) adapted to guide the animals when moving, said

Moving-Guide-components being connected to the at least one traveler, wherein the drive system is adapted to move the traveler and the Moving-Guide-components along the rail.

For claim 2, Hesnault further discloses a number of travelers arranged on the rail, wherein each Moving-Guide-component connected to at least one traveler associated therewith.

For claim 3, Hesnault further discloses the supporting structure comprises two rails in parallel, and wherein the traveler comprises at least two traveler parts and a coupling element (5) to form a traveler bridging the two rails.

For claim 5, Hesnault further discloses the coupling element carries the Moving-Guide-component.

For claim 6, Hesnault further discloses the drive system comprises a pulling element (17) and a drive (16) capable of moving the pulling element, and wherein the at least one traveler is connected to the pulling element.

For claim 7, Hesnault further discloses the drive is arranged in a fixed position.

For claim 8, Hesnault further discloses the pulling element is a chainlike element having a plurality of rigid chain links pivotally connected to each other (see lines 20-25 of col. 2).

For claim 13, Hesnault further discloses the chain links are connected together with a limited longitudinal play in a pulling direction.

For claim 17, Hesnault further discloses the training course is a circulating course having at least some straightaway sections.

For claim 18, Hesnault further discloses a Free-Reign Walking Machine for automatically guiding horse along a defined training course, the machine comprising: at least one Moving-Guide-component (3) for guiding a horse along the defined training course, a supporting

structure adapted to carry the Moving-Guide-Component, and a drive system (16, 7, 17, 18) for automatically moving the Moving-Guide-Component along a predefined path of movement which substantially corresponds to the training course, wherein the path of movement is a circulating course having at least one straightaway section.

For claim 19, Hesnault further discloses a supporting structure having at least one fixed rail and comprising a number of Moving-Guide-Components arranged on the supporting structure and being moveable along a path of movement, wherein the path of movement defines the training course, and further comprising at least one traveler moveably arranged on the rail, wherein the Moving-Guide-components are connected to the at least one traveler.

For claim 20, Hesnault further discloses a number of travelers are arranged on the rail, which number corresponds at least to the number of Moving-Guide-components, and wherein each Moving-Guide-Component is connected to at least one traveler.

For claim 21, Hesnault further discloses the supporting structure comprises a first (1a) and a second rail (1b) in parallel with each other, and wherein the traveler comprises at least a first (13) and a second traveler part (13), with the first traveler part being moveably arranged on the first rail and the second traveler part being moveably arranged on the second rail (see Figure 3).

For claim 22, Hesnault further discloses the coupling element for connecting the first and parts (see attached Figure 3).

For claim 23, Hesnault further discloses the coupling element carries the Moving-Guide-component.

For claim 24, Hesnault further discloses a pulling element and a drive unit capable of moving the pulling element, wherein the at least one traveler is connected to the pulling element.

For claim 25, Hesnault further discloses the drive is arranged in a fixed position at the supporting structure.

For claim 26, Hesnault further discloses the pulling element is a chainlike element having a plurality of rigid chain links pivotally connected to each other.

For claim 30, Hesnault further discloses the chain links are connected together with a limited longitudinal play in a pulling direction.

For claim 31, Hesnault further discloses the drive unit comprises a motor and at least two drive wheels (7, 18) engaging the pulling element, wherein the motor is configured to drive the at least two drive wheels in opposite rotational directions.

Claim Rejections – 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-12, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hesnault (US 4,138,966).

For claims 9 and 27, as described above, Hesnault discloses most of the claimed invention except for indicating that the chain links are hollow-profile chain links. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 3644

have the chain links of Hesnault in whatever form or shape was desired or expedient, wherein no stated problem is solved by having the specific shape as claimed versus the shape taught by the prior art. Furthermore, a change in form or shape is generally recognized as being well known within the level to one of ordinary skill in the art depending on one's intended use.

For claims 10 and 27, as described above, Hesnault discloses most of the claimed invention except for indicating that the chain links have a substantially rectangular cross section. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the chain links of Hesnault in whatever form or shape was desired or expedient, wherein no stated problem is solved by having the specific shape as claimed versus the shape taught by the prior art. Furthermore, a change in form or shape is generally recognized as being well known within the level to one of ordinary skill in the art depending on one's intended use.

For claim 11, as described above, Hesnault discloses most of the claimed invention except for indicating that the individual chain links are between about 0.2 Meters and about 5 Meters in length. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the individual chain links between about 0.2 Meters and about 5 Meters in length, since it has been held where routine testing and general experimental conditions are present, discovering the optimum or workable ranges involve only routine skill in the art. Furthermore, since applicant did not provide a reason or an advantage as to why the individual chain links are between about 0.2 Meters and about 5 Meters in length, it is believe that through trial and error in manufacturing procedure that one comes up with this range to meet the require design criteria for manufacturing of a a free-reign walking machine.

For claim 12, as described above, Hesnault discloses most of the claimed invention except for indicating that each individual chain link approximately 3.5 Meters in length. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have each individual chain link approximately 3.5 Meters in length, since it has been held where routine testing and general experimental conditions are present, discovering an optimum value of a result effective variable involves only routine skill in the art. Furthermore, since applicant did not provide a reason or an advantage as to why each individual chain link is approximately 3.5 Meters in length, it is believe that through trial and error in manufacturing procedure that one comes up with this value to meet the require design criteria for manufacturing of a a free-reign walking machine.

Allowable Subject Matter

7. Claims 4 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited of form PTO-892 encloses herewith.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082.

The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

Application/Control Number: 10/697,843

Page 8

Art Unit: 3644

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

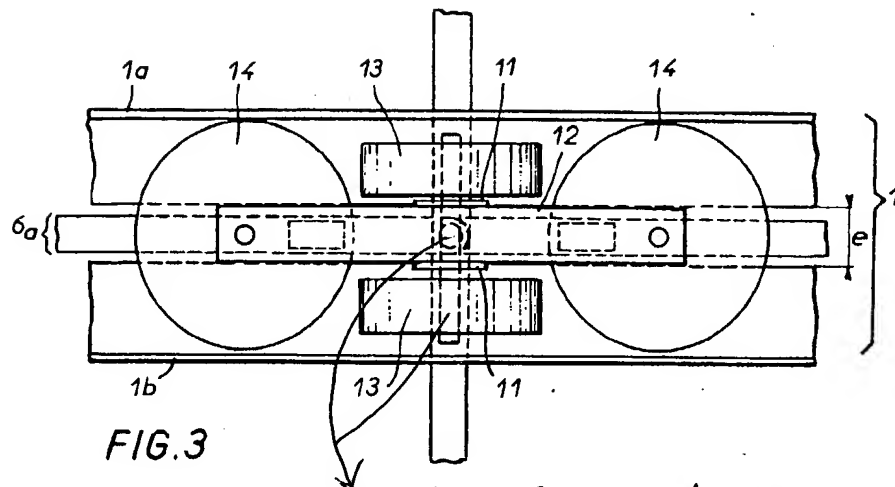
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

ttn

07/09/04

MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER

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SUPERVISORY PATENT EXAMINER



coupling element for claim 22

